

Thank you for the opportunity to comment on Ecology's *Draft NPDES Industrial Stormwater General Permit* dated March 27, 2002. The specific concerns addressed in this letter are related to the monitoring requirements as described in Special Condition S4 of the Draft Permit. Special Condition S4.D. requires that for facilities discharging to a 303(d) listed water body,

"...Samples must be analyzed for the parameters named on the 303(d) [list] as causing impairment of the listed waters except for temperature which is not required and fecal coliform which is only required if there is a potential source from the industrial activity...."

Our concern is that a number of relatively small industrial facilities located in the Seattle area discharge into Elliott Bay, Lake Union, or the Duwamish Waterway and River. These water bodies are on the 303(d) list for a variety of chemical parameters detected in the water column and for contaminants located in the sediment.

1. As currently written in the draft permit, discharges from an NPDES permitted industrial facility must be sampled for *all the chemicals* on the 303(d) list, even those chemicals for which there are no sources at the site. We recommend that an exemption be allowed for other parameters similar to the one currently proposed for fecal coliform. Specifically, sampling for specific parameters named on the 303(d) list will only be required if there is a potential source from the industrial activity based, for example, on sampling results previously collected at the site or on data collected from other industrial sites conducting similar activities. To require sampling and analysis for all the parameters on the 303(d) list, even for limited period of time, would only produce an expensive database of little practical value.

2. At the workshop hosted by Ecology at the Northwest Regional Office on May 13, it was made clear by Ecology that the agency does not yet have a sampling protocol that can be used by industrial permittees that will meet the requirement of Special Condition S4.D for *sediment-related* 303(d) listed parameters. Developing such a protocol will take time, entailing the collective work of scientists, technical experts and involved stakeholders. There is a distinct possibility that a sampling protocol will not be completed in time for permittees to meet the proposed reporting requirements in the draft permit. Until such a protocol is available, we recommend that the requirement to sample industrial discharges be limited to water column-related parameters on the 303(d) listings, consistent with our comment in paragraph 1 above. Otherwise, a sampling requirement for sediment-listed parameters will be in place without a clear means to meet its intent, thereby risking potential violation of the permit through no fault of the permittee. Similar to paragraph 1 above, analysis for sediment related contaminants should be limited to those parameters for which there is a potential source at the industrial site.

The hard work invested in this draft permit by Ecology and other stakeholders is acknowledged and very much appreciated. However, we believe that it is critically important that Ecology issues an industrial stormwater permit with which one can comply with reasonable costs and that will not result in expenditures of scarce resources for little benefit in

Kieth Johnson

May 16, 2002

Page 2

return. Doing otherwise would be irresponsible to our citizens, to the environment, and to the community at large.